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From: John Lovell/R3/USEPA/US

To: Jackie Hendricks <jackie.hendricks@readingpa.org>

Delivered Date: 07/30/2012 11:43 AM EDT

Subject: RE: FW:

It does seem like it should be pretty easy for them to take care of. For some reason I was thinking that they were in violation for all of 2011, but you're right it's only 7 months. That's still a long time and I would still recommend that you consider it SNC.

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▼ Jackie Hendricks ---07/30/2012 11:16:38 AM---On July 31, 2012 they would be in violation for 7 months since the Spill Plan was due December 31, 2

From: Jackie Hendricks <jackie.hendricks@readingpa.org>

To: John Lovell/R3/USEPA/US@EPA

Date: 07/30/2012 11:16 AM

Subject: RE: FW:

On July 31, 2012 they would be in violation for 7 months since the Spill Plan was due December 31, 2011. However, I doubt that would change your opinion. I wanted to check with you so I am sure I am not being too hard on them. But with these Spill Plan revisions, I tell them exactly what they have to revise. I don't think I could make it any easier. I will send you a copy of what was e-mailed him on 10/6/12.

From: John Lovell [mailto: Lovell.John@epamail.epa.gov]

Sent: Monday, July 30, 2012 11:03 AM

To: Jackie Hendricks

Subject: Re: FW:

I think you're right, it doesn't fit into any of the automatic SNC categories. However, at this point it looks like they have

been in violation for about 19 months now, so I think you could certainly (and my recommendation would be that you do) put them in SNC based on the last catch-all provision for any other violations that could adversely impact the operation of the program. If users simply ignore requirements, even after they have been reminded, and other users see them doing that it could encourage other users to ignore requirements as well, and that would result in a major impact on the program. So at this point, if it were me, I'd count them as SNC based on that "any other violation" provision.

Let me know if you'd like to discuss.

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▼ yv+DAHcAAAAAASW5hY3RpdmUgaGlkZSBkZXRhaWxzIGZvciBKYWNraWUgSGVuZHZpY2tzIC0tLTA3LzlwMTIwMTIwMTA6MzE6NTcgQU0tLS1Kb2huLCBXaGF0IGlzIHRob2ZSBFUEEgcVsaW5nIG9uIHRoaXMgaW5mcmFjdGlrbj8= Jackie Hendricks ---07/30/2012 10:31:57 AM---John, What is the EPA ruling on this infraction?

From: Jackie Hendricks <jackie.hendricks@readingpa.org>
To: John Lovell/R3/USEPA/US@EPA
Date: 07/30/2012 10:31 AM
Subject: FW:

John,

What is the EPA ruling on this infraction?

Is it significant non-compliance? It does not seem to meet any of the criteria but wanted to make sure.

The company has a Spill Plan but needs revisions and additions to bring it up to date. Spill Plans are reviewed before new permits are issued and when revisions and/or additions are required, this is included in the permit with a due date under Other Permit Conditions. The requirement is included in the cover letter so that the industry is aware of the requirement.

I normally do not have a problem with industries submitting the revised Spill Plan by the due date. I do give them a reminder notice when the due date is approaching so they do not miss the deadline.

This is my first case of not getting results.

From: Jackie Hendricks [mailto:jackie.hendricks@readingpa.org]
Sent: Monday, July 30, 2012 10:20 AM
To: Deborah Hoag
Subject:

Need a penalty amount for an industry that has a permit requirement to submit a Spill Plan by December 31, 2011. I reminded them a number of times.

- Sent them the required revisions on 10/6/11 by e-mail
- Sent them a reminder e-mail on 12/12/11 that the plan was due by 12/31/11
- Called them on 3/20/12 to tell them I still did not have the plan and they said they would submit it

- Visited them on 7/19/12 to pick up the Spill Plan and was told they would work on it right away and send it in

The plan is over 6 months late so I will have to issue a NOV. What do you suggest for a penalty amount.[attachment "Spill Plan Revision for Termaco.doc" deleted by John Lovell/R3/USEPA/US]